

**CHIROPRACTIC EXAMINING BOARD  
MEETING MINUTES  
March 18, 2010**

**PRESENT:** Steven R. Conway, Wendy M. Henrichs, James P. Koshick, Mania Moore, Kathleen Schneider and Steven J. Silverman

**STAFF:** Yolanda McGowan, Bureau Director; Mike Berndt, Legal Counsel; Michelle Solem, Bureau Assistant; and other DRL Staff

**CALL TO ORDER**

Chair, Wendy Henrichs called the meeting to order at 8:33 a.m. A quorum of 6 members was present.

**ADOPTION OF AGENDA**

**MOTION:** Steven Conway moved, seconded by Kathleen Schneider, to approve the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF JANUARY 28, 2010**

**Corrections:**

- Page 8 – Dr. Koshick asked that the actual minutes reflect that Gail Pizarro and Jill Remy expressed their professional opinions related to the practical exam.
- Dr. Koshick also asked that the record reflect that he mentioned a study showing that a practical exam that included live subjects was more valid than one without live subjects.

**MOTION:** Kathleen Schneider moved, seconded by Mania Moore, to approve the Minutes of January 28, 2010 as published in the red folder with corrections. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

Yolanda McGowan announced that she is transitioning from her Bureau Director position to that of Legal Counsel effective with the next meeting of the Chiropractic Examining Board. She reported that some of the vacancies within the Department have been filled. She also announced Angela Arrington will be transitioning into the Bureau Director position effective March 29, 2010.

She outlined the Department's outreach efforts and explained that the Chiropractic profession is next on the list. The meeting will be April 15, 2010 at DRL from 9:00 – 11:30. Executive Assistant, Hector Colon, outlined the draft agenda for that Chiropractic licensee outreach listening session.

Ms. McGowan asked the Board to review the "Board Mission and Member Responsibilities" handout on page 22 of the Agenda packet. She then formally introduced Mr. Colon who

expressed concerns that the Department has related to the work of the Chiropractic Examining Board. The first concern was that of continuing education issues that have been previously addressed. He noted that there have been inconsistencies related to the continuing education approval process referring to a number of documents in his possession.

He next expressed concern related to a WCA newsletter that was recently distributed to its members citing that the WCA is to be “working with the Chiropractic Examining Board on two very important projects. The first is the new state exam that will be required for all students graduating after January 1, 2011. The second is the procedures for a CA to obtain their CT license July 1, 2010.” Because the mission of both entities differs, this newsletter creates an appearance of a conflict of interest related to these projects.

The third issue is the course of study for Chiropractic Assistants and the quickly approaching deadline. The Department would like the Board to proceed with the new law as a course of study instead of a patchwork of continuing education.

The practical exam with the use of live subjects was the next matter of concern. Mr. Colon indicated that this type of exam could be cost prohibitive and noted that over the past few years, states have migrated away from the use of live subjects in examinations.

Mania Moore asked for copies of the complaints related to continuing education.

### **PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS OR ANY SIGNED AFTER MAILING OF THE AGENDA**

Attorney Sandra Nowak presented the Proposed Stipulation, Final Decision and Order in the matter of Ronald Fischer, D.C. (06 CHI 076). Deliberation will be in closed session.

Attorney Sandra Nowak presented the Proposed Stipulation, Final Decision and Order in the matter of Robert C. Kurtz (06 CHI 007). Deliberation will be in closed session.

### **PRECEPTOR APPROVALS OR ANY RECEIVED AFTER PRINTING OF AGENDA**

The following requests for approval of preceptors have been submitted to the DRL 45 days in advance of the beginning of the school's next trimester:

<u>School</u>	<u>Chiropractor</u>	<u>Year Lic. Granted</u>
<u>Palmer</u> (postgrad)	Dr. Christine Krsko	11/17/1976
	Michael Fletcher	07/19/1984
	Kenneth Otto	01/13/1994
	Marty Lorentz	10/18/1996
	Keith Radermacher	08/20/1985
	Timothy Smykal	03/09/1995
<u>Life</u>	Patrick Flynn	12/16/1999

**MOTION:** Steven Silverman moved, seconded by Steven Conway, to approve the preceptors as presented. Motion carried unanimously.

### **LEGISLATION/ADMINISTRATIVE RULES**

Dr. Conway asked if the bill, requiring health care requires providers to post the average cost for services that they provide, also applies to chiropractors.

### **CREDENTIALING/EDUCATION AND EXAMINATION ISSUES**

#### **Discuss Procedures and Guidelines for CT/CRT Licensing and Review and Approve Form for Issuing of CT/CRT Credential (Grandfathering)**

Kris Hendrickson distributed a revised form to the Board for review. She reported that form #2865 will be used as a “replacement” form for the certificates received by the applicant if the original certificate is not available. Dr. Koshick asked if (on page 31) “chiropractic technician” should be changed to “radiological technician” to reflect the difference between the two forms. He also suggested changing the form from “Supervising Chiropractic” to “Supervising Chiropractor.” Additional suggestions were noted.

**MOTION:** Steven Conway moved, seconded by James Koshick, to approve the form as amended. Motion carried unanimously.

Dr. Henrichs asked if the Board wanted to develop a standard or guideline related to delegation training and if so, what that standard would be? Dr. Koshick noted that he will be attending a national program (FCLB) and “Delegation” appears as an item on the agenda. He will report on it at the next meeting.

#### **Chiropractic Technician Delegation Program Review**

Dr. Henrichs noted that she had received CA delegation requests. Palmer, WCA and Moraine Park courses had previously been approved. Since that time, Northwestern has also submitted a request and been approved. Ms. McGowan asked if there was a list of approved providers.

Delegation training gives the licensee the basic understanding of the delegated practice. The doctor is still required to supervise the licensee performing the delegated task. Jill Remy asked that the Board develop the guideline to ensure that the chiropractors understand that they are still liable for the performance of the licensee performing the delegated task.

After much discussion, it was decided that the Board would discuss guidelines at the next meeting.

**MOTION:** Steven Conway moved, seconded by Steven Silverman, to approve the CT Delegation: Physical Exercise Training course as listed on page 35 of the Agenda packet. Steven Conway – Yes; Wendy Henrichs – No; James

Koshick – No; Mania Moore – No; Kathleen Schneider – No; Steven Silverman – Abstained. Motion failed by roll call vote.

Dr. Silverman asked that the Board develop a standard or guideline by which the providers could develop future courses that would be submitted for approval. Ms. McGowan indicated that not everyone follows best practices and are tested only for minimal competence. She asked that the Board develop direction. Mr. Berndt indicated that for purposes of grandfathering, this could be used without becoming a standard for new applicants who would not fall under the grandfather clause.

Angela Arrington introduced herself as the new Bureau Director effective March 29, 2010.

### **Discussion Related to Practical Examination Format**

Jill Remy reviewed the cost estimate related to the practical exam. The practical exam will include live subjects, and in addition, have a written portion of the exam. Further discussion on this topic was suspended until the next meeting.

### **Update Regarding Assignment of Continuing Education Program Provider Numbers**

Jill Remy reported that the Department is almost done with this program and will have more information at the next meeting.

### **Board Appointments**

Wendy Henrichs appointed Steven Silverman as the Credentialing Liaison.

## **PRACTICE QUESTIONS**

### **Discussion of CHIR 12.06 Prohibited Practices**

A Chiropractor cannot delegate duties with respect to vitamins, herbs or nutritional supplements. A doctor can sell, but cannot sign up anyone to sell as a down-line member of a multi-level marketing program.

## **MISCELLANEOUS CORRESPONDENCE/INFORMATION AND PHONE INQUIRIES**

The Board reviewed and discussed the WCA Newsletter article brought forth by Mr. Colon. The Board went on record to state that the Board is not working, directly or indirectly, with the WCA or anyone else outside of the Department on the exam or development of rules related to CA/CT licensure requirements.

## **TRAVEL**

None.

## **PUBLIC COMMENTS**

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None.

### **CLOSED SESSION**

**MOTION:** Mania Moore moved, seconded by Kathleen Schneider, to adjourn to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with Administrative Warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Wendy Henrichs – yes; James Koshick – yes; Mania Moore – yes; Steven Silverman – yes; Kathleen Schneider – yes; Steven Conway - yes. Motion carried unanimously.

Open session recessed at 11:47 a.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Mania Moore moved, seconded by Kathleen Schneider, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 2:31 p.m.

### **DISCUSSION REGARDING PRACTICAL EXAM**

None.

### **VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

#### **MONITORING**

None.

### **DIVISION OF ENFORCEMENT – CASE CLOSINGS, CASE STATUS REPORT, PROPOSED STIPULATIONS**

#### **CASE CLOSINGS**

##### **06 CHI 022**

**MOTION:** Steven Silverman moved, seconded by Mania Moore, to close case 06 CHI 022 for no violation. Motion carried. James Koshick abstained

### **DELIBERATION OF PROPOSED STIPULATIONS OR INCLUDING ANY THAT MAY HAVE BEEN SIGNED AFTER MAILING OF THE AGENDA**

None.

**DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS INCLUDING ANY  
THAT MAY HAVE BEEN RECEIVED AFTER MAILING OF AGENDA**

**09 CHI 044  
R.D.S.**

**MOTION:** Steven Silverman moved, seconded by James Koshick, to issue the Administrative Warning in the matter of 09 CHI 044 R.D.S. Motion carried unanimously.

**DELIBERATION OF PROPOSED FINAL DECISIONS & ORDERS INCLUDING ANY  
THAT MAY BE SIGNED AFTER MAILING OF THE AGENDA.**

None.

**DELIBERATION OF ORDER FIXING COSTS INCLUDING ANY THAT MAY HAVE  
BEEN RECEIVED AFTER THE MAILING OF THE AGENDA**

None.

**DELIBERATION OF PETITIONS FOR RE-HEARINGS INCLUDING ANY THAT  
MAY HAVE BEEN RECEIVED AFTER THE MAILING OF THE AGENDA**

None.

**REVIEW OF APPLICATIONS INCLUDING ANY THAT MAY HAVE BEEN  
RECEIVED AFTER MAILING OF THE AGENDA**

**DOE SIGNATURE COLLECTION**

**OTHER BOARD BUSINESS**

None.

**ADJOURNMENT**

**MOTION:** James Koshick moved, seconded by Mania Moore, to adjourn the meeting at 2:48 p.m. Motion carried unanimously.